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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,679	10/23/2003	Stephanie Marel	B-5275 621391-0	8660
22879	7590	04/02/2009	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				NAWAZ, ASAD M
ART UNIT		PAPER NUMBER		
2455				
			NOTIFICATION DATE	DELIVERY MODE
			04/02/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/693,679	MAREL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ASAD M. NAWAZ	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 July 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/3/07</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

1. This communication is responsive to the amendment filed 7/16/08. Claims 1-2, 6, and 13-14 were amended. Accordingly, claims 1-14 remain pending.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 8/3/07 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3-5 and 7-11 recites the limitation "a method as in claim". The claims should recite "**The** method of claim' or any other variant.

Furthermore, as the applicant claims to have removed "one or more" from the claims, in actuality, the phrase has only been removed from the independent claims. The dependent claims still recite such limitations (i.e. 4, 8, 10, 11). There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being taught by Chen (US Patent No. 6,349,307).

As to claim 1, Chen teaches a method of matching structured descriptions, the method including the steps of: a. detecting a context reflecting an environment in which the matching is to occur (col 3, lines 33-67);

b. matching the detected context to a concept list appropriate to the detected context (col 3, lines 3-15, col 8, lines 14-37);

c. using the concept list to transform the structured descriptions into reduced structured descriptions (col 3, lines 3-15);

d. matching the reduced structured descriptions (col 8, line 51 to col 9, line 24); and

e. providing an output representing the matching between the structured descriptions (abstract; col 8, line 51 to col 9, line 24).

As to claim 3, Chen teaches method as claimed in claim 1 wherein the concept list corresponds to a structured list of concepts and keywords related to a specified context (see claims 5 and 14).

As to claim 4, Chen teaches a method as claimed in claim 1 wherein of the structured descriptions is reduced by matching keywords in of the structured

descriptions with keywords in the concept list and the removing any unmatched keyword concepts from the corresponding structured description (col 8, line 51 to col 9, line 24).

As to claim 5, Chen teaches a method as in claim 1 wherein the context determination is based on measurement of a physical location in which the matching is to occur, direct reception of data indicating the context or statistical analysis of characteristics of the environment in which the matching is to occur (col. 8, lines 14-37).

As to claim 9, Chen teaches a method as claimed in claim 7 wherein the transformation process preserves relevant hierarchical structure in the structured description by pruning the keyword tree to remove unmatched keywords while preserving the remaining structure of the description (col 8, line 51 to col 9, line 24).

As to claim 10, Chen teaches a method as claimed in either claim 1 wherein of the structured descriptions and the concept list are defined according to dissimilar ontologies, the method further including the steps of converting of the structured descriptions and the concept list to a common ontology prior to matching or reduction of the structured descriptions (col 8, line 51 to col 9, line 24).

As to claim 11, Chen teaches a method as claimed in either claim 2 wherein of the structured descriptions are defined according to dissimilar ontologies, the method further including the steps of converting of the structured descriptions to a common ontology prior to matching or reduction of the structured descriptions (col 8, line 51 to col 9, line 24).

Claims 2, 6-8 and 12-14 contain similar limitations as the above rejected claims and are thus rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments filed 7/16/08 have been fully considered but they are not persuasive. In substance, the applicant argues that A) Chen does not teach a concept list that represents the context dependent input data set which is then used to transform the structured descriptions and B) Chen does not anticipate "structured descriptions".

In response to A, Chen teaches a concept list that is used to transform the structured descriptions into reduced structured descriptions (see col 3, lines 3-15). However, with regards to the limitation "the content-dependent input data set", these features are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to B, Chen teaches controlling the range of topics by purposely limiting the scope of the provided search and retrieval services. One method of accomplishing this is by modifying/transforming the formulation of the query submitted by the user (see col 8, lines 14-37). Therefore, Chen still meets the scope of the limitations as currently claimed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMN

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455